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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,120	07/31/2003	Stefan Mueller	34874-081 UTIL	1844
64280 7590 02/28/2008 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C. ATTN: PATENT INTAKE CUSTOMER NO. 64280 ONE FINANCIAL CENTER BOSTON, MA 02111			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 02/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/632,120

Applicant(s)

MUELLER ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-8,10,11,18-20,23-26,28 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,10,11,18-20,23-26,28 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 11/30/2007 has been entered. This Office Action is made as a non-final and claims 1-2, 5-8, 10-11, 18-20, 23-26 and 28-29 are pending.

Specification

2. The disclosure is objected to because of the following informalities:
Applicant filed on 9/26/2006 an amendment to specification. This amendment is an improper amendment because the must show the added part as underlined and the deleted part as strike through. See MPEP 714 and as per 37 CFR 1.121. Additionally, paragraph [0046] of the specification is not ended properly.
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
- The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject

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matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 1, the amended limitation on line 7-9, claimed as "the semantic object provider comprising an interface component to create an object, an implementation object to provide persistency and an object registry". The specification does not support claiming subject matter. Similarly claim 19, claiming the same matter.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The specification does not support claiming subject matter. Similarly claim 19, claiming the same matter.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. The claims 19-20, 23-26 and 28-29 fail to place the invention squarely within one, statutory class of invention. Applicant has not provided an explicit and

deliberate (i.e. limiting) definition of the terminology 'computer program product', but Applicant has provided intrinsic evidence of embodiments intended to be covered. One of the covered embodiments is propagation media. Propagation media in the context of Applicant's disclosure covers signals as seen in paragraph [0057] of the Instant Application. As such, the claims are drawn to a form of energy. Energy is not one of the four categories of invention and therefore this claim(s) is/are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefor not a composition of matter.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-2, 5-8, 10-11, 18-20, 23-26, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabbara et al. (US Patent 6,460,043) hereinafter Tabbara, and in view of Trossen et al. (USPA Pub. US 2004/0260749 A1) hereinafter Trossen.

11. As per independent claims 1, 19, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving from an application a semantic request having a request name that semantically identifies a type of information sought by the request (Fig. 4c, col. 8, lines 14-18, lines 24-26 and lines 32-34). Tabbara teaches the claimed, converting the received semantic request to a generic request having corresponding request parameters (Fig. 4c, col. 8, line 64 to col. 9, line 28). Tabbara teaches the claimed, transmitting the converted request to a data access system (Fig. 3, col. 6, lines 45-48). Tabbara teaches the claimed, receiving data from the data access system corresponding to the converted request (Fig. 3, 9, col. 11, lines 29-42). Tabbara teaches the claimed, providing the data to the application (Fig. 4A, col. 7, lines 23-28). Tabbara teaches the claimed, initiating a creation of an object for receiving and converting the semantic request (Fig. 44, col. 39, lines 13-15). Tabbara teaches the claimed,

opening a database connection within a data access system corresponding to the semantic request (Fig. 44, col. 39, lines 11-12). Tabbara teaches the claimed, requesting properties of data corresponding to the semantic request, if a database connection has not previously been opened (Fig. 44, col. 40, lines 8-12). Tabbara teaches the claimed, the semantic object provider comprising an interface component to create an object, an implementation object to provide persistency, and an object registry (col. 10, lines 55-56).

Finally, Tabbara does not explicitly teach semantic request with URI. However, Trossen teaches the claimed, the semantic request comprises a uniform resource identifier (Fig. 4, page 4, paragraph [0035]). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Trossen's teachings would have allowed Tabbara's method that the session initiation protocol (SIP) event server may have better (or even exclusive) access to resources that are required to implement the desired application semantic (page 1, paragraph [0007]).

12. As per dependent claims 2, 20, Tabbara teaches the claimed, typecasting the data received from the data access system before providing the data to the application (Fig. 9, col. 11, lines 29-42).

13. As per dependent claims 5, 23, Tabbara teaches the claimed, the object is a group object configured to access information about groups of entities (Fig. 8B, col. 11, lines 1-4).

14. As per dependent claims 6, 24, Tabbara teaches the claimed, the created object requests the properties of a resource corresponding to the converted request (col. 14, lines 32-35).

15. As per dependent claims 7, 25, Tabbara teaches the claimed, the converted request comprises parameters corresponding to, but not present in, the semantic request (col. 14, lines 36-39).

16. As per independent claim 8, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving a generic data access command for communicating with a data access system (Fig. 3, col. 6, lines 37-42). Tabbara teaches the claimed, creating at a semantic provider, a semantic data access command that corresponds to the generic data access command (Fig. 4C, col. 10, lines 55-56, col. 8, lines 11-26, and col. 17, lines 61-67). Tabbara teaches the claimed, and providing a semantic object configured to receive the semantic data access command from an application (Fig. 3, col. 8, lines 27-34). Tabbara teaches the

claimed, provide a corresponding generic data access command to a data access system (Fig. 5B, col. 8, lines 64-66).

17. As per dependent claim 10, Tabbara teaches the claimed, the semantic object is configured to open a database connection corresponding to the semantic data access command and request properties of data corresponding to the semantic data access command, if a database connection has not previously been opened (Fig. 3, 5B, col. 8, lines 24-34).

18. As per dependent claim 11, Tabbara teaches the claimed, the generic data access command comprises parameters corresponding to, but not present in, the semantic data access command (col. 14, lines 36-39).

19. The system of claim 18, Tabbara teaches the claimed, a portal that provides access to the user applications (Fig. 2, col. 6, lines 7-11).

20. As per independent claim 26, Tabbara teaches method for querying data stored on a computer includes creating a dictionary of conceptual information and physical information about data (col. 3, lines 7-12). Tabbara teaches the claimed, receiving a generic data access command for communicating with a data access system (Fig. 3, col. 6, lines 37-42). Tabbara teaches the claimed, creating at a semantic object provider, a semantic data access command that corresponds to the generic data access command (Fig. 4C, col. 10, lines 55-56,

col. 8, lines 11-26, and col. 17, lines 61-67). Tabbara teaches the claimed, providing a semantic object configured to receive the semantic data access command from an application (Fig. 3, col. 8, lines 27-34). Tabbara teaches the claimed, provide a corresponding generic data access command to a data access system (Fig. 5B, col. 8, lines 64-66).

21. As per dependent claim 28, Tabbara teaches the claimed, the semantic object is configured to open a database connection corresponding to the semantic data access command and request properties of data corresponding to the semantic data access command, if a database connection has not previously been opened (Fig. 3, 5B, col. 8, lines 24-34).

22. As per dependent claim 29, Tabbara teaches the claimed, the generic data access command comprises parameters corresponding to but not present in the semantic data access command (col. 14, lines 36-39).

Response to Arguments

23. Applicant's arguments filed on 11/30/2007 have been fully considered but they are not persuasive and details as follows:

- a) Applicant's argument regarding rejection of claims 1 and 19 under 35 U.S.C. 112 first and second paragraphs stated as "Applicants submit that the specification supports the following features of claims 1 and 19."

In response to applicant argument, Examiner disagrees, because applicant is claiming different from the cited specification at Fig. 3, paragraphs [0043-50]. Therefore, the rejection is maintained.

b) Applicant's argument regarding rejection of claims 1 and 19 under 35 U.S.C. 103 stated as "Tabbara suggests or discloses the semantic object provider."

In response to applicant argument, Examiner disagrees, because Tabbara teaches the claimed, as a predicate provides the semantic context for objects and consists of one or more roles that objects play (col. 10, lines 55-56).

c) Applicant's argument regarding a prior art stated as "Omoigui does not constitute prior art to the instant application."

In response to applicant argument, Examiner disagrees, because Omoigui is a valid prior art and the CIP as well as the parent application do teach the rejected limitations. However, Examiner decided to use a new reference by Trossen to expedite the prosecution. The new reference teaches the semantic request consisting of URI.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyanarayan Pannala
Primary Examiner

srp
February 25, 2008